

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Darla Padgett, et al.,

NO. C 04-03946 JW

Plaintiffs,

**ORDER RE: DEFENDANTS' MOTION  
TO STRIKE**

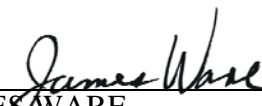
v.

Brian Loventhal, et al.,

Defendants.

Before the Court is Defendants' motion to strike an exhibit submitted by Plaintiffs in opposition to Defendant Curtis' renewed motion for summary judgment. (See Docket Item No. 517.) Defendants move on the ground that the exhibit is protected by the attorney-client privilege. Plaintiffs contend that the document is not privileged and that any privilege has been waived. (See Docket Item No. 520.) Since this is essentially a discovery dispute, the Court refers the matter to the Special Master. The Special Master shall determine whether the document is privileged and make the appropriate recommendation to the Court.

Dated: June 27, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

**THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: June 27, 2008**

**Richard W. Wiekling, Clerk**

**By: /s/ JW Chambers**

**Elizabeth Garcia  
Courtroom Deputy**